

33-22-04

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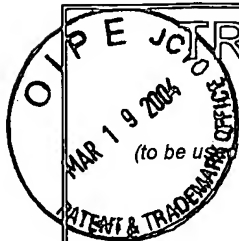


PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number 10/800,388		
		Filing Date March 12, 2004
		First Named Inventor Jeffery D. Frazier
		Group Art Unit To Be Assigned
		Examiner Name To Be Assigned
Total Number of Pages in This Submission 5 plus 8 documents	Attorney Docket Number 5010-095-01	

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition For Extension of Time <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> After Allowance Communication to Group	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Acknowledgement Postcard <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Forms SB/08a (2 pages) and copies of seven (7) cited non-patent literature documents Customer No. 35411
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name Leonard D. Bowersox
Signature
Date March 19, 2004

CERTIFICATE OF MAILING

Date: March 19, 2004 Label No. EV348582351 US

I hereby certify that, on the date indicated above, I deposited this paper with identified attachments and/or fee with the U.S. Postal Service and that it was addressed for delivery to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, by "Express Mail Post Office to Addressee" service.

Type or printed name Sandra Stocklinski	Signature 	Date March 19, 2004
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which his to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND TO: Commissioner for Patents, Washington, D.C. 20231.

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Sandra Stocklinski

Name (Print)

Sandra Stocklinski

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/800,388 Confirmation No.: To Be Assigned
Applicant : Jeffery D. Frazier
Filed : March 12, 2004
TC/A.U. : To Be Assigned
Examiner : To Be Assigned

Attorney Docket No. : 5010-095-01
Customer No.: 35411

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

March 19, 2004

Sir:

The attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached Forms SB/08a. Copies of each of the eight (8) non-U.S. Patent documents listed are attached.

This Information Disclosure Statement is being submitted before expiration of the three-month period following filing of the above-captioned application.

The above information is presented so that the Patent and Trademark Office can, in the first instance, determine any materiality thereof to the claimed invention. *See* 37 CFR 1.104(a) and 1.106(b) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the documents cited in the attached Forms SB/08a be made of record therein and appear on the first page of any patent to issue therefrom.

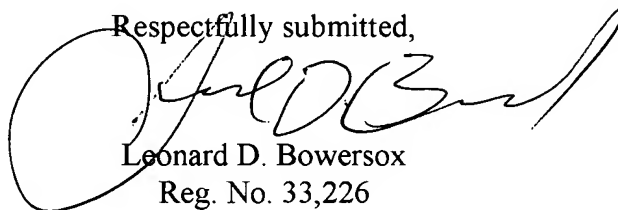
Information Disclosure Statement
U.S. Patent Application No. 10/800,388

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in this application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

It is believed that no fee is required to make this a complete and timely filing. However, if it is determined that a petition or fee is required, the Commissioner is hereby authorized to charge any fee associated with this statement to our Deposit Account No. 50-0925 and please consider this a petition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. Bowersox', is written over the typed name and registration number.

Leonard D. Bowersox
Reg. No. 33,226

KILYK & BOWERSOX, P.L.L.C.
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Enclosures: Form SB/08a (2 pages) and eight (8) cited Non-U.S. Patent Documents

Substitute for form 1449A/PTO

(use as many sheets as necessary)

Sheet 1 of 2

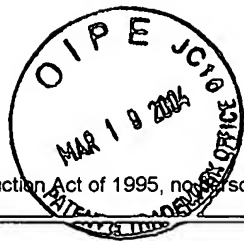
Application Number	10/800,388
Filing Date	March 12, 2004
First Named Inventor	Jeffery D. Frazier
Art Unit	To Be Assigned
Examiner Name	To Be Assigned
Attorney Docket Number	5010-095-01

[illegible]

Foreign Patent Document							T ⁶
Examiner Initials*	Cite No. ¹	Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
		WO - 01/47638 A2	07-05-2001	Gyros AB			
		JP 2001-188601 A (Translation)	07-10-2001	K.K. Shimazu Seisakusho			
Examiner Signature				Date Considered			

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Name: Sandra Stocklinski Signature *Sandra Stocklinski*



PTO/SB/08b (05-03)

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known		
				Application Number	10/800,388	
Sheet		2	of	2	Filing Date	March 12, 2004
					First Named Inventor	Jeffery D. Frazier
					Art Unit	To Be Assigned
					Examiner Name	To Be Assigned
					Attorney Docket Number	5010-095-01
NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city, and/or country where published.				T ²
		Birge, R. R., <i>Protein-Based Three-Dimensional Memory – A light absorbing molecule from bacteria could provide faster access time and denser data storage in three-dimensional optical memories</i> , <i>American Scientist</i> , Volume 82, pp. 348-355 (1994)				
		Birge, R. R., et al., <i>Biomolecular Electronics: Protein-Based Associative Processors and Volumetric Memories</i> , <i>J. Phys. Chem. B</i> , Volume 103, pp. 10746-10766 (1999)				
		Henke, Cliff, <i>DNA-chip technologies -- Part 1: Research fundamentals and industry catalysts</i> , <i>IVD Technology Magazine</i> , (September, 1998)				
		Henke, Cliff, <i>DNA-chip technologies -- Part 2: State-of-the-art and competing technologies</i> , <i>IVD Technology Magazine</i> , (November, 1998)				
		Henke, Cliff, <i>DNA-chip technologies -- Part 3 What does the future hold?</i> , <i>IVD Technology Magazine</i> , (1998)				
		Frost, Pam, <i>Tiny Channels Carved in Plastic Enable Medical Test on a CD</i> , <i>Ohio State Research News</i> , (2000)				
Examiner Signature		Date Considered				

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached. Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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Name: Sandra Stocklinski

Signature Sandra Stocklinski